A. CALL TO ORDER
Meeting called to order by Mayor Merkes at 6:20 p.m.

B. PLEDGE OF ALLEGIANCE
The Pledge of Allegiance was recited.
A moment of silence was observed for former Alderman Herb Batley, who passed away on March 16, 2018.

C. ROLL CALL/EXCUSED ABSENCES
PRESENT: Aldermen Taylor, Sevenich, Collier, Krueger, Zelinski, Grade, Benner, Nichols.
ALSO PRESENT: Mayor Merkes, CA Captain, PC Styka, FC Kloehn, CDD Schroeder, ASD Jacobs, DPW Radomski, PRD Tungate, PHD McKenney, HRC Huber, Clerk Galeazzi.

D. PUBLIC HEARING
1. Special Use Permit Application by James Fletcher, Representative, to establish a multi-family use at 336 Chute Street (Parcel No. 2-00121-00) in the C-2 Central Business District
CDD Schroeder explained the request to make the property at 336 Chute Street a seven unit apartment building. The applicant is working on parking requirements recommended by the Plan Commission.

No one from the public spoke. Mayor Merkes closed the public hearing.

E. PUBLIC COMMENTS ON ANY MATTER OF CONCERN TO THE CITY
(five (5) minute time limit for each person)
Chris Evenson, 525 Broad Street, Menasha. Comments on Racine Street Bridge.

Ken Flatoff, 1204 Carpenter Street, Menasha. Comments on Downtown Vision Plan regarding Sonoco and Coveris.

Tim Jacobson, 732 Paris Street, Menasha. Support new Public Works Facility; suggest color blue for canopy on Menasha bridge of Loop the Lake trail.

Mark Langdon, 724 Warsaw Street, Menasha. Asked for clarification on comments being made to public about State covering a portion of cost of Racine Street Lift Bridge.

Tyler Doemel, 57 Appleton Street, Menasha. Thanked City crews for taking care of a section of the walking path by his house.

F. REPORT OF DEPARTMENT HEADS/STAFF/CONSULTANTS
1. Clerk Galeazzi - the following minutes and communications have been received and placed on file:
   Minutes to receive:
   a. Ad-hoc Protocol Committee, 3/12/2018
   b. Board of Health, 2/16/2018
   c. Board of Public Works, 3/5/2018
   d. Committee on Aging, 2/9/2018
   e. Library Board, 2/28/2018
   f. NMFR Joint Finance and Personnel Committee, 3/7/2018
   g. Plan Commission, 3/6/2018
   h. Water & Light Commission, 2/28/2018
Communications:
   i. Diversity and Inclusion Training Memorandum, 3/5/2018, Mayor Merkes
   j. Cheers Alcohol Compliance Program Memorandum, 3/11/2018, Officer Dan Hoernke
   k. Menasha Police Department Addition Open House Invitation
   l. Winnebago County Overdose Fatality Review Program Memorandum, 3/15/2018, PHD McKenney and Police Chief Styka

Moved by Ald. Sevenich seconded by Ald. Krueger to receive Minutes & Communications a-l. Motion carried on voice vote.

G. CONSENT AGENDA
   Minutes to approve:
   1. Common Council, 3/5/2018
      Board of Public Works, 3/5/2018, Recommends the Approval of:
   2. Stormwater Action Plan
   3. Payment – Pheifer Bros. Construction Co., Inc.; Contract Unit No. 2017-04; Fox River “Loop the Lake” Bridge Crossings; $154,257.00 (Payment No. 4)
   4. Recommendation to Award – Contract Unit No. 2018-03; Architecture and Construction Management of Phase I of the New Public Works Facility; Gries Architecture and Miron Construction; $236,000.00
   5. City crews demolishing building and restore the site at 133 Water Street
   6. NMFR Joint Finance and Personnel Committee, 3/7/2018, Recommends the Approval of:
      Authorize hiring one firefighter after April 6, 2018 and subject to Jim Peglow not returning to his line staff position.
   Plan Commission, 3/6/2018, Recommends the Approval of:
   7. Certified Survey Map, 670 Lake Park Road—Community First Credit Union, as presented for the lot consolidation and reconfiguration of parcel numbers 7-01700-07, 7-01700-08, and 7-01700-09
   8. Certified Survey Map, 1737 Racine Road—Sunshine Real Estate, LLP, as presented allowing the lot combination of parcels 4-00762-02, 4-00762-03, and 4-00762-05
   9. Downtown Vision Plan as an advisory plan for future development with the following changes:
      a. Remove the designated future land uses of Sonoco and Coveris from the future land use map
      b. The addition of a preface to the plan and modifying two of the Land Use Policies as outlined in the consultant memorandum dated February 5, 2018
      c. Changing the word “policy” to “guideline” within the Land Use Principles
   10. Special Use Permit as presented to allow for a 7-unit multi-family development at 336 Chute Street, with the following conditions:
      a. Prior to the issuance of building permits, a site improvement agreement be recorded
      b. Should parking issues arise, the property owner shall work with the Community Development Department to secure one additional off-site parking stall.
   Special Administration Committee, 3/19/2018
   11. 2018 CIP Budget Adjustment—Loop the Little Lake Project
   Special Board of Public Works, 3/19/2018
   12. Change Order No. 4 for the Canopy Addition to the Loop the Lake Bridge Crossings

Ald. Sevenich requested to remove items 3, 4, 9, 11, &12; Ald. Taylor requested to remove items 2-12 from Consent Agenda.

Mayor Merkes stated all items on Consent Agenda will be voted on separately.
H. ITEMS REMOVED FROM THE CONSENT AGENDA

   Motion carried on roll call 7-1. Ald. Benner voted no.

   Motion carried on roll call 8-0.

3. Moved by Ald. Taylor seconded by Ald. Krueger to approve item 3, Payment to Pheifer Bros.
   Construction Co., Inc., Contract Unit No. 2017-04 for Fox River Loop the Lake Bridge Crossings in
   the amount of $154,257.00.
   Motion carried on roll call 8-0.

4. Moved by Ald. Sevenich seconded by Ald. Collier to approve item 4, Recommendation to Award
   Contract Unit No. 2018-03 for Architecture and Construction Management of Phase I of the new
   Public Works Facility to Gries Architecture and Miron Construction in the amount of $236,000.00.
   Motion carried on roll call 7-1. Ald. Zelinski voted no.

5. Moved by Ald. Sevenich seconded by Ald. Krueger to approve item 5, City crews demolishing
   building and restore the site at 133 Water Street.
   General discussion ensued on selling or retaining the property for future development and which
   budget the funds to demolish the building and restore the site will come from.
   Motion carried on roll call 6-2.
   Ald. Nichols, Sevenich, Collier, Krueger, Grade, Benner voted yes.
   Ald. Taylor, Zelinski voted no.

6. Moved by Ald. Nichols seconded by Ald. Collier to approve item 6, Authorize hiring one
   firefighter after April 6, 2018 and subject to Jim Peglow not returning to his line staff position.
   FC Kloehn explained Firefighter Peglow was promoted to the position of Assistant Fire Chief. He
   has 30 days to reconsider if he wants to return to his former position. When the 30 day deadline
   expires NMFR can hire to fill the vacancy.
   General discussion ensued on reducing staff.
   Motion carried on roll call 7-1. Ald. Taylor voted no.

7. Moved by Ald. Benner seconded by Ald. Zelinski to approve item 7, Certified Survey Map,
   670 Lake Park Road, Community First Credit Union, as presented for the lot consolidation and
   reconfiguration of parcel numbers 7-01700-07, 7-01700-08, and 7-01700-09.
   Motion carried on roll call 8-0.

8. Moved by Ald. Benner seconded by Ald. Krueger to approve item 8, Certified Survey Map,
   1737 Racine Road, Sunshine Real Estate, LLP, as presented allowing the lot combination of
   parcels 4-00765-02, 4-00762-03, and 4-00762-05.
   Motion carried on roll call 8-0.

9. Moved by Ald. Benner seconded by Ald. Grade to approve item 9, Downtown Vision Plan as an
   advisory plan for future development with the following changes: a) Remove the designated future
   land uses of Sonoco and Coveris from the future land use map; b) The addition of a preface to the
   plan and modifying two of the Land Use Policies as outlined in the consultant memorandum dated
   February 5, 2018.
   General discussion ensued on consultant’s recommendation of a city owned banquet facility. It was
   stated that the City should not own a banquet facility, but should explore a private entity to own and
   operate a banquet facility. There was concern the plan would not be implemented as presented.
   General discussion continued on revisions to the plan to accommodate concerns of Sonoco and
   Coveris.
   Motion carried on roll call 7-1. Ald. Zelinski vote no.
10. Moved by Ald. Benner seconded by Ald. Krueger to approve item 10, Special Use Permit as presented to allow for a 7-unit multi-family development at 336 Chute Street with the following conditions: a) Prior to the issuance of building permits, a site improvement agreement be recorded; b) Should parking issues arise, the property owner shall work with the Community Development Department to secure one additional off-site parking stall. 
General discussion ensued on parking requirements. 
Motion carried on roll call 8-0.

11. Moved by Ald. Sevenich seconded by Ald. Collier approve item 11, 2018 CIP budget adjustment in the amount of $70,400 using revenue source indicated as the first option in memo dated 3/15/18 and the color of canopy be blue. 
Motion carried on roll call 6-2. 
Ald. Nichols, Sevenich, Collier, Krueger, Grade, Benner voted yes. 
Ald. Taylor, Zelinski voted no. 

12. Moved by Ald. Sevenich seconded by Ald. Collier to approve item 12, change order no. 4 for the canopy addition to the Loop the Lake Bridge Crossings. 
Motion carried on roll call 6-2. 
Ald. Nichols, Sevenich, Collier, Krueger, Grade, Benner voted yes. 
Ald. Taylor, Zelinski voted no. 

I. ACTION ITEMS

Moved by Ald. Krueger seconded by Ald. Grade to approve accounts payable and payroll. 
Motion carried on roll call 8-0. 

Moved by Ald. Krueger seconded by Ald. Grade to approve beverage operator’s license application for the 2017-2019 licensing period as listed in memo dated 3/13/18. 
Motion carried on roll call 8-0. 

3. Contract to Administer the Retail Food and Recreational Programs for the Wisconsin Department of Agriculture, Trade, and Consumer Protection between the Wisconsin Department of Agriculture, Trade, and Consumer Protection and The Bridges of Fox River Consortium (Cities of Menasha and De Pere), April 1, 2018 to June 30, 2019. 
Moved by Ald. Krueger seconded by Ald. Collier to approve Contract to Administer the Retail Food and Recreational Programs for the Wisconsin Department of Agriculture, Trade, and Consumer Protection between the Wisconsin Department of Agriculture, Trade, and Consumer Protection and The Bridges of Fox River Consortium (Cities of Menasha and De Pere), April 1, 2018 to June 30, 2019. 
Motion carried on roll call 8-0. 

4. Motion to reconsider (Ald. Sevenich) R-4-18 A Resolution Authorizing the Execution and Delivery of Documents Relating to the Fox Cities Exhibition Center Project. 
ASD Jacobs explained the new information provided to the municipalities relating to the payment for the Fox Cities Exhibition Center project. He has provided an amended resolution based on the new information. He explained the amendment to the resolution. 
Moved by Ald. Sevenich seconded by Ald. Benner to reconsider R-4-18 A Resolution Authorizing the Execution and Delivery of Documents Relating to the Fox Cities Exhibition Center Project. 
Motion carried on roll call 8-0.
Moved by Ald. Sevenich seconded by Ald. Benner to amend R-4-18, by adding “Supporting documents along with the final changes made to Exhibit A of the undated Cooperating Agreement as presents.”

Motion carried on roll call 8-0.

Original motion to approve R-4-18 as amended carried on roll call 8-0.

5. Offer to Purchase 87 Racine Street

Moved by Ald. Sevenich seconded by Ald. Krueger to accept offer to purchase at full price of $75,000.

General discussion ensued on any additional requirement since originally the property was taken by eminent domain and a counteroffer to be included which states if construction does not begin within 12 months of purchase the City could buy back the property at the same price.

Moved by Ald. Nichols seconded by Ald. Sevenich to have the counteroffer include a provision to buy back property if construction does not begin within 12 months of purchase.

CA Captain stated the provision to buy back the property should have been included in the original listing agreement.

Motion on amendment carried on roll call 5-3.

Ald. Nichols, Sevenich, Collier, Krueger, Grade voted yes; Ald. Taylor, Zelinski, Benner voted no.

General discussion ensued on Plan Commission approval, parking requirements, ingress/egress to Racine Street, and amount of parking shown on site plan.

Ald. Zelinski stated Point of Order-discussion is on the offer to purchase, not on the items that the Plan Commission will decide on.

Mayor Merkes stated Point of Order was well taken; discussion should solely pertain to offer to purchase.

There was unanimous consent to hear from Scott Chiko.

Mr. Chiko explained this is a unique property and will have some parking with area for outdoor seating. He is working on the ingress/egress.

Original motion as amended carried on roll call 7-1. Ald. Nichols voted no.


Moved by Ald. Sevenich seconded by Ald. Zelinski to recommend that the 2018-2019 Common Council consider the Rules of the Common Council and Mayor as drafted by the Ad-hoc Protocol Committee as its rules of order for the session.

General discussion ensued on if the Code of Conduct and Code of Ethics should be included with the recommendations.

Motion carried on roll call 6-2.

Ald. Taylor, Sevenich, Collier, Krueger, Zelinski, Grade voted yes.

Ald. Nichols, Benner voted no.

J. HELD OVER BUSINESS

1. Owner Request City Purchase of 995 Brighton Drive, Menasha

CA Captain updated the Council on the request of the owner of 995 Brighton Drive for the City to purchase the property.
Ald. Taylor stated Point of Order—purchase of property by the City should be discussed in Closed Session.
Mayor Merkes state Point of Order not well taken as nothing is being discussed that would require the Council to go into Closed Session.

Moved by Ald. Sevenich seconded by Ald. Taylor that the City has no interest in purchasing 995 Brighton Drive.

Unanimous consent to hear from CA Captain.

CA Captain explained what the current owner’s attorney is proposing.

General discussion ensued on the property being part of the Jefferson Park Vision Plan, what the Parks and Recreation Board has recommended for this property, and recommendations from DNR for the property.

Moved by Ald. Nichols seconded by Ald. Collier to postpone until next meeting.
General discussion ensued on Parks and Recreation Board having no recommendation on this property.
Motion fails on roll call 2-6.
Ald. Nichols, Collier voted yes; Ald. Taylor, Sevenich, Krueger, Zelinski, Grade, Benner voted no.

Original motion carried on roll call 6-2.
Ald. Taylor, Sevenich, Krueger, Zelinski, Grade, Benner voted yes; Ald. Nichols, Collier no.

K. ORDINANCES AND RESOLUTIONS
1. R-06-18 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between Village of Fox Crossing, City of Menasha, Winnebago County and Wisconsin DOT (Racine Pond) (Introduced by Ald. Taylor; Recommended by Board of Public Works)
Moved by Ald. Benner seconded by Ald. Zelinski to approve R-06-18 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between Village of Fox Crossing, City of Menasha, Winnebago County and Wisconsin DOT (Racine Pond).
Motion carried on roll call 8-0.

2. R-07-18 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between Village of Fox Crossing, City of Menasha, Winnebago County and Wisconsin DOT (Midway Pond) (Introduced by Ald. Taylor; Recommended by Board of Public Works)
Moved by Ald. Benner seconded by Ald. Krueger to approve R-07-18 Memorandum of Agreement for Stormwater Detention Pond Construction and Maintenance between Village of Fox Crossing, City of Menasha, Winnebago County and Wisconsin DOT (Midway Pond)
Motion carried on roll call 8-0.

3. R-08-18 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes (The Ponds of Menasha and The Cottages at Lake Park Condominiums) (Introduced and Recommended by Board of Public Works)
Moved by Ald. Benner seconded by Ald. Krueger to approve R-08-18 Preliminary Resolution Declaring Intent to Exercise Special Assessment Powers Under Section 66.0703, Wisconsin Statutes (The Ponds of Menasha and The Cottages at Lake Park Condominiums).
Motion carried on roll call 8-0.
4. R-09-19 Resolution to Authorize the Application for a Cost-Share Grant from Bay Lake Regional Planning Commission (Introduced by Mayor Merkes)
   Moved by Ald. Grade seconded by Ald. Collier to approved R-09-19 Resolution to Authorize the Application for a Cost-Share Grant from Bay Lake Regional Planning Commission.
   Motion carried on roll call 8-0.

L. APPOINTMENTS

M. CLAIMS AGAINST THE CITY

N. PUBLIC COMMENTS ON ANY MATTER LISTED ON THE AGENDA
   (five (5) minute time limit for each person)
   No one spoke.

O. ADJOURNMENT
   Moved by Ald. Taylor seconded by Ald. Collier to adjourn at 8:28 p.m.
   Motion carried on voice vote.

Deborah A. Galeazzi, WCMC
City Clerk